General Pield Bay in the Court of Oyer and Terminer Yesterday and Important Business in the Other Courts.

EDWARD S. STOKES' AFFIDAVIT.

Argument of His Counsel Urging a Speedy Trial.

Probability of the Venue Being Moved to Another County.

TOM C. FIELDS MISSING.

The Absconding Thomas Called in Court, but He Fails to Appear.

Motion to Estrent Ilis Bail Bonds-A Stay of Proceedings Granted for Thirty Days.

MAYOR HALL'S SECOND TRIAL.

The Mayor Appears in Court and Demands a Trial-His Address to the Court.

A Jury Sworn and the Trial Proceeded With.

EX-BOSS TWEED IN COURT

Big Six and His Six Big Indictments---He Gives Bail on Two of Them.

JUDGE BRADY'S OPINION.

DAVENPORT'S ARBITRARY ARRESTS.

Very rarely does such a combination, or rather rapid succession, of exciting spectacles present itself in the Court of Oyer and Terminer as did yesterday morning. The immense crowd that early filled the court room showed that there was something unusual in the wind—an assurance made doubly sure by the assemblage of nearly all the legal celebrities of the city inside the bar. The plain fact is, people nowadays read the newslowed Tom C. Fields to appear for trial expired yesterday. Of course there was anxiety to know thether he would put in an appearance, as well as to see how he looked after his incognito travels. It was known that Boss Tweed was among announcements on the bill, and desire to see the great master of "Ring" reigned predominant, as well as a lurking curiosity to get a special glimpse or a man whom all the Sheriff's men have lately been as unable to find as were the king's men to set up Humpty Dumpty again. These cases were enough A LARGE CROWD

any time. Two cases came up that were unexpected—those of Stokes and Mayor Hall—but these additions to the programme were only the more enjoyed for this reason. Judge Brady, who is usually pretty prompt, arrived a little late. He took his seat on the bench with his accustomed quiet unconcern, and, in neither his looks nor demeanor rave token of anything unusual likely to come behim. He holds the scales of justice with an even hand, men, place, power weighing nothing with him, justitia hat being his only rule. As he told the crier to open the Court, the room, in which s busy hum of conversation had prevailed, became suddenly hushed. The eyes of the crowd looked grasped their bundles of papers to be ready for business. The first case called was that of EDWARD S. STOKES,

and at once the curious throng looked eagerly in every direction to see if he was in the court room, s look only rewarded with disappointment. It took but a short time to finish up the Stokes case, it being only an application for his speedy trial. Next the name of Thomas C. Fields was called out. It was a long and a loud call by the Clerk of the Court; but Mr. Fields was non est. This was another disappointment except to his lawyer, who had the opportunity to make a beseechingly pa-thetic speech in his behalf, and did so, the entire of which and results of which will be found below. More than compensating for the above droll disap-pointments was seeing "Boss" Tweed walk into the court room. He looked, as Dan Bryant says in one of his stories, "as well and hearty as he ever did in his life, and smiled and nodded to his friends as in the olden time, when at the zenith of his power." His case occupied the attention of the Court but a short time. A good deal of the time he was chatting Sheriff Brennan, who sat directly behind him and seemed to pay but little notice to the remarks of his chief counsel, his forensic tirade designed to be tremendously telling against all and every one arrayed against his client, the newspapers in cluded. As the "Boss" left the Court a large crowd followed. There was still a pretty full at tendance left to witness the preliminaries and

TRIAL OF MAYOR HALL. Many times before has Mayor Hall addressed the presiding judge at this Court of Over and Terminer. and certainly he never spoke with more coolness and self-possession than yesterday. Directly after the close he went over and reviewed the Fifth regiment of militia, and evinced there the same gayety and unconcern-that gayety that alone can emanate from consciousness of innocence of the grave charges preferred against him.

STOKES AGAIN.

Application Made in the Court of Oyer and Terminer for His Speedy Trial-it is Possible that the Trial will Commence Next Month.

There was another revival of the Pisk-Stokes tragedy through an application yesterday morning in the Court of Oyer and Terminer—Judge Brady on the beach-to bring Edward S. Stokes, the alleged murderer of James Fisk, Jr., to speedy trial. Mr. Daly, one of Stokes' counsel, prefaced the application by submitting the following amdavit:-.

APFIDAVIT OF STOKES.

City and County of New Fork:—Edward S. Stokes, being duly sworn, deposes and says that he is the defendant in the above matter; that on the 7th day of January A. D., 1872, he was arrested for the shooting of one James Fisk, Jr., and on the next day was incarcerated in the City Prison, where he has ever since remained; that on the 19th day of June last the trial of defendant for the homicide of said James Fisk, Jr., was commenced, and, after a lengthy trial of twenty days, it terminated in the disagreement of the jury, and this deponent was remained ready and anxions for a second trial. Deponent further says that since his trial he has become possessed of much valuable evidence tending to prove his innocence of any crime, and is anxions that his trial should at once proceed at the present term of the Oyer and Terminer, and, although frequent demands have been made on the District Attorney to fix an early day, the early response that can be obtained is that he will APPIDAVIT OF STOKES.

THE COURTS. report as soon as he can confer with his associates, meaning the coursed directly retained. Deponent further says that his imprisonment has already greatly impaired his health, and that he is informed that he is the only person who has been confined for such a long period of time in said prison whose case has not been determined by the courts.

Deponent further says that he has been incar-cerated now nearly ten months, and for the greater portion of that period he has been in almost slose confinement, not allowed any exer-cise in the open air to maintain his ordinary health, and this deponent now asks that he may have a trial forthwith. Sworn, &c., EDWARD S. STOKES.

HIS COUNSEL UNGE HIS TRIAL. After the reading of the above affidavit Mr. Daly asked that the Judge should name a time for the trial to commence. He urged as ground for a edy trial, in addition to the impaired health of Mr. Stokes, that it would soon be difficult to get

speedy trial, in addition to the impaired health of Mr. Stokes, that it would soon be difficult to get the witnesses they wanted. Some had already letter and they had been obliged to take their testimony de hene esse, and if the trial did not take place before December, many would be beyond their reach altogether.

THE DISTRICT ATTORNEY'S EXPLANATION.
District Attorney Garvin referred to the time that had already been occupied in the trial of Stokes. In the first place, from twelve to diffeen days were consumed in the trial of the jury, and then from twenty to thirty days in the trial itself. They were now in the midst of an exciting election, and it was almost impossible to obtain juries for the ordinary sequirements of the Court. As to getting a jury for Stokes, that he deemed almost impossible. The story had become

A THEICE-TOLD TALE:
first, in the published accounts of the murder; second, in the trial of the jury, and third, in the trial of Stokes. He sid not believe it would be possible to get a jury here. They could not on their side take testimony by commission, as this was unconstitutional, and it might be necessary to have the trial in another county. He did not see how His Honor could make any order in the case.

OCUNSEL TO THE RESQUE.

Mr. Townsend hoped that the Court would take no heed of the intimations of a probable change in venue. They were ready for trial here and anxious that it should take place as soon as possible. Mr. Tremain, his associate counsel, had said that he would be here by the second week in November, ready to go on with the trial. He hoped His Honor would continue the present term into next month and name a time for the trial.

JUDGE BRADY ON THE MATTER.

Judge Brady said that he thought that the ends of justice clearly demanded that Stokes should have as speedy a trial as possible. He had been arraigned for the General Term in December, and he did not know whether it would be possible for him to preside at the trial, as it doubtless would be a lengthy one. However, he would gi

TOM C. FIELDS' CASE.

The Honorable Ex-Assemblyman a Fugitive from Justice.
The next case called was that of the People vs.

Thomas C. Fields. District Attorney Garvin rose and asked if Thomas C. Fields was in Court.

Mr. Beach said that he had not been able to ob-

tain any communication with Mr. Fields, and was, therefore, not prepared to enter upon the case then. The proceedings that had been taken with regard to the trial had been on the explicit understanding that the trial would not be called on so speedily, and when it was well understood that Mr. Fleids was not either in the city or State. The business before the Court, he presumed, would prevent a speedy trial of Mr. Fleids, even if he were present. In the interest of those gentlemen who were Mr. Fleids' bail he would make a very strong appeal to the Court. They were no parties to the non-broduction of Mr. Fleids, and they desired to be protected from the consequences as far as possible of his having left the State. An afflavit had been made by himself (Mr. Beach), in which he had stated very truly and very earnestly that he had ost the convention of Mr. Fleids that the trial would be moved for this term. Mr. Fleids would undoubtedly return, and he submitted that it would be somewhat harsh if the bail should be estreated. What they had done was not for their benefit, and no good could resuit from it. They had been brought to this difficulty by the sudden hight of their principal, and they had no opportunity to remedy it after that fact had been brought to their notice. Under these circumstances he hoped that the forfeiture of the bail would be be pressed.

The District Attorney said that he would by the understanding that the trial would not be called

hoped that the forfeiture of the bail would not be pressed.

The District Attorney said that he would by the permission of the Court take

THE FORFEITURE OF THE BOND

without enforcing the judgment, and let it stand a reasonable time. If they could not produce their principal the bonds would be enforced. He would suggest that it should stand so for thirty days.

The Court made an order in accordance with the suggestion of the District Attorney. The clerk, Mr. Sparks, called upon Mr. Fields to surrender. He failed to appear, and his sureties, Mr. William I. Florence and Mr. Michael T. Greig, were allowed a stay of thirty days on the bonds.

SECOND TRIAL OF MAYOR HALL.

The excitement in the Court room reached its climax when Mayor Hall suddenly appeared during the heat of the forensic debate in the other proceedings, and, passing through the crowd that blocked up the passageway, took his stand immediately opposite the Bench. He at once plunged

Mayor Hall, addressing the Court, said he had received a very courteous note from the District Attorney requiring his attendance here this morning, are so familiar. Those charges were made in Court of General Sessions, upon which bail was given, and the trial

was remitted to this Court. He waited some days for the action of this Court for it to be made a matter of record by the issuing of an order, and, failing to receive any intimation of such an order, he had sent his consent to the District Attorney that the cases should be remitted back to this Court. He was now informed that the indictment covers these matters, and he believed, from what he heard, it dealt with the doings of the Board of Audit, with which, by some inscrutable reason of Providence, he became unhappily connected. He was there to renew the hail. He was

THE THIRD MAYOR OF THE CITY OF NEW YORK who had been unfortunate enough to come within the embraces of the District Attorney. In the case of District Attorney Whiting, who prosecuted Mayor Morris for neglecting to audit the claim of the Board of Supervisors for the salary of a judge; also the case of Mayor Wood, who was presented for neglect in connection with a lease-a prosecution that was under the direction of Mr. Joseph Blunt. The Court in these cases accepted the personal recognizances of these gentlemen. It was not for him to suggest in the present excited state of the public mind, on politics and on almost state of the public mind, on politics and on almost every other subject, whether such a precedent should be followed by his learned friends on the other side. He was not exactly a believer in the Jeremy Bentham proposition that the pressure of a moral kind upon a public officer was just as destructive to liberty as pressure of an immoral kind. He threw out these suggestions; he was there to obey the behests of the Court, then and at all times. District Attorney Garvin—There is a new indictment against the accused that I would like to have him plead to now.

Mr. Sparks, the Clerk, then held up to the view of the Mayor a volume nearly as thick and as large as a "Webster unabridged."

The Mayor—Do you propose to read that book

as a "Webster unabridged."

The Mayor—Do you propose to read that book now? I presume that will require some time; and I suppose I am not before the Court until the question of ball has been passed upon.

District Attorney—I don't want any bail on the old undictments.

District Attorney—I don't want any ban on the old indictments.

The Mayor, after glancing over the volume, said that he thought the indictments therein covered the others.

District Attorney Garvin—There is no such thing

District Attorney Garvin—There is no such thing as quashing an indictment without a motion. This indictment may be a substitute, or 't may or may not cover facts in connection with other indictments; but I should like the accused to plead. If he requires time we have no objection to grant it. He is entitled to it as much as any other person. The Mayor—Then if that be the rule the District Attorney would fix the bail at \$5,000.

This was accordingly done by agreement, and the Mayor said he had seen sufficient of the large volume to enable him to say that he was ready for trial and he would plead not guilty to the indictment. Although the indictment looked voluminous it was substantially the same thing that was tried before, and he was perfectly familiar with it. There was on that trial an inquiry as to seventy or eighty claims before the Board of Audit, and the question was whether they could be charged in one count. There were four separate counts now on each claim. The first was the same as the former; the second was that he knew the claim to be false and fraudulent, and the third and fourth were that he perverted and abused the office of Mayor in doing so. He was therefore, substantially acquainted with what the indictment really was.

Judge Brady asked Mayor Hall if he would take a day to look over the indictment.

Mr. Hall—I am ready to proceed now, if the Court

please.
Mr. Sparks then called the first name of the jury.
Mr. Hall said that he would take the Mr. Hall said that he would take the PIRST TWELVE MEN IN THE BOX, reserving to himself only the usual peremptory

challenges.
Twelve answered to their names. Mr. Hall chal-

enged Nathaniet L. Griswold and Alexander Ma-guire on the ground that they were double his own age. Couner Foudssen was "excused" by the Disguire on the ground that they were double his own age. Comnor Foudxaen was "excused" by the District Attorney. Styles A. Stanton was excused. James A. Counor was chatlenged by the prosecution. Alired A. Baker was excused, Mr. Hail stating that the genticiman was an old and attached friend of his, and it was not proper for him to sit as a jaror. James Boyd, challenged by the prosecution. Charles W. Benedict and William A. Osup set aside for opinions formed. The following were sworm:—

John Taylor, soda, 139 Pranklin street.
Jacob J. Rover, arent, 315 Broadway.
John H. Lyon, osal, 34 Puria avenue.
Prederick Faubel, Jr., merchant, 75 Pearl street.
Bigmund Warshing, agent, 22 Sixth avenue.
Franklin Goodwin, house mover, 232 East NisoIonth B. Englishing, agent, 22 Sixth avenue.
Franklin Goodwin, house mover, 232 East NisoIonth Street.
John B. Barney Fording, 65 Bey street.
John B. Andousnakery askin Pon.
Mr. Peckham said that they had empanelied a
Jury so rapidly that he feit bound to ask for an adJournment to next morning. The papers in the cage
were scattered, the witnesses were not present add
it would be much better, if the Court pleased, for
afternoon for making arrangements for the triat.
Mr. Hall said that he had been suffering under
The street of the street of the street of the street
afternoon for making arrangements for the triat.
Mr. Hall said that he had been suffering under
The street of the street of the street of the
the star of his deliverance. He came that morning
quete prepared to go on the street of the street of the
that indictment, be had a clear opinion with
regard to the negligence that was reierred to in
that indictment, be had a clear opinion as to the
criminality of that negligence. He had saked
to read that book; but he did not such a chash had
ample time to prepare for this trial. He stood
there too his official capacity. He was a member
of cases of the supervising of the Inspect
thereof. He was also a member of the Board of
Apportionment, and his attendance was requisite,
besides a great number of official engagements
which would begin next week. He therefore
hoped the case would be opened at once as that he
and than he had benefit of one aught for cross-examination. That was fair and he asked that.
The Court ruled that the case must be opened.
The Charles of the street of the street
he could be a supervised to the street
he city should be audited by a Board of Audit,
composed of the Mayor, the Comptroller and the
head of his clear to the street of the pres

bistrict Attorney Garvin said that he also desired that the Court would charge them not to permit persons to talk in their presence about the case.

The Court charged the jury very impressively that they were to consider this case only on the law and the evidence.

The case was then adjourned until to-day at eleven A. M.

BOSS TWEED IN COURT.

He Gives Ball on Two Indictments in \$5,000 Each.
To add to the unusual interest of judicial pro-

ceedings yesterday in Oyer and Terminer the longbsent Boss, for whom Sheriff Brennan has been hopping around with all commendable official zeal. in the hope of nabbing him, turned up yesterday. During the proceedings in the Hall case Sheriff Brennan, Deputy Clerk of Arrests Jarvis and a number of deputy sheriffs entered with Mr. Tweed, who took a seat immediately behind his counsel.

The leading counsel of Mr. Tweed applied to the Court that the names of all the witnesses be placed

The leading counsel of Mr. Tweed applied to the Court that the names of all the witnesses be placed at the back of the indictments, and urged that this requirement was in accordance with the common law and quoted the Third Revised Statutes, fifth edition, Howes, section 55.

The District Attorney said that it had not been the practice for forty years in this State to place the names of the witnesses at the back of the indictments. He would give Mr. Tweed's counsel the memoranda of the Grand Jury, giving the list of witnesses sworn before them.

Judge Brady said there was no doubt that it was a requirement of the common law, but it had not been the practice in this State. All the ends desired would be gained by the list of witnesses being given as proposed by the District Attorney.

The Court so ordered, and the memoranda was handed over to Mr. David Dudley Field.

Mr. Tweed and his party then left for the District Attorney's Office and shortly afterwards he returned into Court with his two bondsmen, who gave bonds of \$5,000 each. The sureties were Mr. Alfred B. Sands, 130 East Twenty-sixth street, and Mr. Edward Kenney, 97 Lexington avenue.

DECISION AS TO TWEED'S INDICTMENTS.

Judge Brady announced that he had considered the arguments addressed to him in reference to the indictments in the Tweed case and he had arrived at the conclusion that the indictments were for different offences. He deemed it unnecessary to state his reasons for that opinion because he might present other arguments with reference to the validity of an indictment, He had given the matter a full and complete consideration and had decided that the indictments were for different offences.

ARBITRARY ARRESTS

ARBITRARY ARRESTS.

Davenport's Doings-He and His Deputies at Their Work Again-The Herald Informing the People of Their Rights. name of Commissioner Davenport so prominently before the public came up yesterday in the United States Court. Davenport appears to have committed himself to a bitter political partisanship while he is at the same time acting in the capacity of a magistrate who may be called upon at any moment to decide upon the liberty of American citizens.

ANOTHER DOMICILIARY VISIT AND WHAT CAME OF IT. John Heenan, a special election deputy marshal, went to the house of Charles Hussey, corner of Madison and Oliver streets, and began to interrogate Mr. Hussey in the usual offensive way of Davenport's deputies. He asked him in regard to his age and name and his registration as a voter. Mr. Hussey replied that he had read in the HanalD

of that morning an article to the effect that this election law was unconstitutional, and that those deputices had no right to be going about asking those questions, and that he for one was determined not to answer them. He requested the deputy to leave his house. The latter refused, whereupon Mr. Hussey pat him out.

The beputy then snesked off to his Chief and obtained a warrant for the arrest of Mr. Hussey. The latter was held to bail in \$5,000 to appear for examination. He gave the required bail.

FIR HENRICHS OASE.

With reference to the case of Mr. Henricha, which has been so thoroughly ventilated, it appears that after Henrichs had been committed to prison by Davenport, without affording him a chance of procuring a second bendsman required, although the first one offered had shown that he was worth at least fifty times the amount of bail demanded, ex-Senator Greamer and Mr. Smith Ely called upon Davenport at his "court" in the Fifth Avenue Hotel, and stated their readiness to go bail for Mr. Henricha, but the mighty and potent Davenport was inexorable. He refused to take the bail of these gentlemen, stating that he had not decided upon the sufficiency or insufficiency of the first bail tendered Mr. Reglemma.

There is a general impression abroad that the interference of those deputy marshals, who are under Davenport's thumb, and who are going about and asking all sorts of impertment and irritating questions of voters at their houses, is for the purpose of entrapping them into some statements upon which they hope to found objections on the polling day. The parties visited in this manner are all supporters of the anti-administration party in this election.

BUSINESS IN THE OTHER COURTS.

UNITED STATES COMMISSIONERS' COURT.

Transporting Fireworks in Passenger Vessels-Important to Shippers.

Refore Commissioner Betts. The United States vs. George Parsons.—The defendant, who carries on business at No. 12 Park place, in this city, was charged with having, on the 2d of October, attempted to ship nine cases, containing fireworks, sky rockets, torpedoes and Rom candles, for Seima, Ala., on board the steamer Charleston, without having the contents of the boxes branded or marked on the outside.

Mr. De Kay appeared for the prosecution, and William C. Barrett was counsel for the defendant.

EVIDENCE FOR THE GOVERNMENT. Edward Marting called as a witness for the gov ernment and sworn-He says, I am a receiving clerk for the Charleston Steamship Company at pier 29, foot of Warren street; the 1st of October, or thereabouts, received certain cases from C. S. quimby; I examined the last lot he shipped; I called a cooper to open the cases; that was on the 2d of October; there were nine cases in the last lot he shipped; the cases were wooden boxes; they contained torpedoes, skyrockets, Roman candies; the cases were marked A. J. Skinner, Selma, Alabama; they had no other marks on them to designate the contents; the receipt which I gave the cartimaa for the boxes stated that they were fancy goods; I do not know Quimby; I should not think he was driving the truck; all I know about receiving them from C. S. Quimby is receiving them in that way; we did not receive a duplicate; I signed the receipt; I do not know who the carman was; the receipt read, "From C. S. Quimby:" the carman who brought them is not present; I do not know from whom the cases came; those cases were brought to me for shipment; they were not placed on board, because I suspected they were fireworks, because when he shipped a lot before one of the cases was broken open on board; I think I have at other times received cases from the same person, C. S. Quimby, but I do not recollect when it was; those goods were shipped as fancy goods on the steamer Charleston, a passenger steamer; this appears on the receipt.

Stephen Tailman, sworn and examined for the Quimby; I examined the last lot he shipped;

quimby, but I do not recollect when it was; those goods were shipped as fancy goods on the steamer Charleston, a passenger steamer; this appears on the receipt.

Stephen Tailman, sworn and examined for the prosecution:—I am shipping clerk for George Parsons, doing business at 12 Park place; Mr. Parsons deals in fancy goods, toys and dreworks; I know of his shipping the articles on the Charleston, on the second day of October; I superintended the shipment of those articles; I had them packed; I do not recollect when those packages were marked, "A. J. Skinner, Selma, Ala.;" there were nine cases; there were no other marks on them but what I have slated; I delivered them to our carman, C. S. Quimby, and I made out a receipt to be signed by the receiving clerk at the pier; I have not that receipt with me; I did not give any specific directions to Quimby when he took those goods; none more than usual; I told him, as in all matters of fancy goods, to take them to the pier of the Charleston steamer and ship them; I could not positively say that Mr. George Parsons was at his office, No. 12 Park place, on the first or second day of October; I do not know; he did not at any time give me instructions as to the shipment of fireworks; I have been six years in that office as shipping clerk; I never at any time received from him or from any officer over me any orders in regard to the marking of cases containing fireworks which were to be shipped on board a passenger vessel; there is not more than one shipping clerk there; there is no one else who superintends the shipment of goods of this character; that is my department entirely; I should think I have not at any time received from him or from any officer over me any orders in regard to the marking of cases containing fireworks which were to be shipped on board a passenger vessel; there is no one else who superintends the shipment of goods of this character; that is my department entirely; I should think I have not at any time received from him or they are sone as and some fi

commissioner nimself. Before criminal knowledge could be charged upon the defendant some offence must be brought home to him, and no guilty knowledge was proved against the defendant. There never was, and there never would be, such a law as that a principal could be charged criminally for the act of his subordinate. Mr. Barrett in the course of his remarks made allusion to a recent decision in a case similar to the one under inquiry, rendered by Commissioner Osborne.

Commissioner Betts said that his impression was at present against Mr. Barrett's view of the case, but he would consider it carefully and give his decision on the motion to-day.

The case was accordingly adjourned.

Important to Appointees of the Supervisors Whose Salaries Have Been Reduced by the Board of Audit.

Before Judge Leonard.

Isaac J. Drake vs. The Mayor, &c. - This action was brought to recover from the city compensation for eleven months' services from September 1, 1871, to August 1, 1872, as clerk of the Fourth District Police Court, at the rate of \$4,000 per annum. The defence set up on the part of the city was that the action was wrongly brought against the city and that it should have been brought against the Board of Supervisors of the county, the office being a county office, and also that the action of the Board of Supervisors in 1876, Increasing the salary of the defendant from \$2,500 to \$4,000, was in direct violation of the statutes of 1868 and 1869, forbidding the Board of Supervisors to create any new office, or to increase the salary attached to any office then in existence. The plaintiff's counsel argued that the office was a city office, for which the city was liable, and that action was properly brought, and that the prohibition in the acts of 1868, 1869 and 1870 as to Board of Supervisors having been inserted in the tax levy acts of those years was in direct violation of article 3, section 16, of the constitution, which provides that—"No private or local bill which may be passed by the Legislature shall embrace more than one subject, and that shall be expressed in the title." The jury, under instructions of the Court, found a verdict for \$1,517.95, with interest, subject to the power of increasing the same by the General Term on appeal. Three other cases, based upon a similar state of facts, it was agreed between counsel for plainting and defendant should adde the action of the Gen. that it should have been brought against the for \$1.51.
increasing the same by the General reminer state
peal. Three other cases, based upon a similar state
of facts, it was agreed between counsel for plaintif
and defendant should abide the action of the Gen eral Term in this case.

Joseph H. Dukes for plaintiff; D. J. Dean for defendants.

SUPREME COURT-CRAMBERS.

By Judge Ingraham.

Wolff vs. Farrell.—Motion denied.
Logand vs. Roffs.—Motion granted.
Airred Greenwood vs. Harriet C. Greenwood.
Report of referee confirmed, and judgment divorce granted.

Ry Judge Trace.

By Judge Tracy.

Rowe vs. Pride.—Motion denied.

Tully vs. Despecker.—Motion to vacate granted.

Kaufman vs. Rogers.—Motion denied.

Corbett vs. Haldermann.—Motion to vacate order
of arrest denied.

SUPERIOR COURT-SPECIAL TERM.

A Wife Charging Her Husband and Seeking a Divorce. Before Judge Sedgwick.

Before Judge Sedgwick.

Bridget Coleman vs. Patrick Coleman.—This is an action for divorce on the ground of alleged cruel treatment. The parties were married in July, 1864, in this city, and lived together till last May. She charges him with striking her on repeated occasions with his fists and with articles of furniture and turning her out of doors. For one of these assaults, generally committed when he was under the influence of liquor, she caused his arrest and he was sent for six months to Blackwell's Island. The defence was a general denial. Considerable testimony, a good deal of it very contradictory, was taken, after which the Judge took the papers, reserving his decision.

Decisions.

Richard Ten Broock vs. Francis Morris. -- Motion

COURT OF SEVERAL SECOND

The Marion Street Homicide-Clifford Convicted of Manslaughter in the Fourth Degree and Sentenced to the State Prison for Two Years.

Before Recorder Hackett. The trial of Patrick Clifford, charged with causing the death of Mary Ann Gallagher, was resumed

Jane Beebe testified that she was in the house 148 Hesterstreet, on Sunday night; that the priso ner and the deceased were there; in the evening the prisoner said to her that he was going to get some body to take her home to her mother; the night before they were sleeping there and she heard a fearful moaning, and went to the door and sug-gested that ginger tea might relieve her pains; the prisoner gave her the money to purchase the inger.

Coroner Herrman testined that he took the antemortem examination of Mary Ann Galiagher at
Bellevue, and that she stated as follows:—On Saturday, the 11th inst., in the evening or atternoon I
went to see a young girl named Clemens in 172
Mott street; on that Saturday evening I met Patrick Clifford in Elizabeth street; he wanted me to
go with him, but I retused; he then kicked me in
the abdomen; he also hit me on the arm
several times; he also hit me in the eye; I had no
quarrel with him; the only reason for beating and
kicking me was because I refused to go with him
to some house; I got hurt from no one except from
Patrick Clifford; I think he lives in Elizabeth street.

Other female witnesses were examined, who testified that on the Saturday night in question the
deceased was very drank, and that she had told
them that she had taken medicine some time before. Coroner Herrman testified that he took the ante

free.

Clifford was sworn in his own behalf and dented that he ever used any violence to the deceased, with whom he was living in improper intimacy, and said that on the night he was with her in Hester street he gave her brandy and peppermint forcramps in the stomach.

The jury rendered a verdict of guilty of manslaughter in the fourth degree, and His Honor imposed the highest penalty the law allowed, which was two years in the State Prison.

Alloged Outrage—A Queer Verdict.

Patrick McNama and Thomas Brennan were

tried for committing an outrage upon Mrs. Jennie Franklin, a respectable-looking colored woman who testified that as she was passing through Nineteenth street on the 18th of August, between

who testined that as she was passing through Nineteenth street on the 18th of August, between eleven and half-past eleven o'clock at night, the prisoners setzed and dragged her into an alley way; that Brennan held his hand over her mouth while McNama outraged her person. They ran away, but a private watchman soon found a policeman and the prisoners were arrested at three o'clock in Nineteenth street. The complainant positively identined the men.

The prisoners took the s'and and swore that the colored woman was mistaken and that they did not perpetrate the deed charged against them. Witnesses were examined to show that Brennan was at Roach's liquor store, corner of Nineteenth street and Seventh avenue, up to twelve o'clock, and McNama's friends testified that he was in the apartments of Mr. Dillon from hall-past nine till after twelve o'clock. The teatimony was conflicting, but the jury endeavored to reconcile it by finding Brennan guilty of assault and battery and acquitting Sloxima.

Assistant District Attorney Stewart remarked that the verdict was an extraordinary one, and suggested that judgment should be suspended upon Brennan.

The Recorder concurred in the suggestion and discharged him.

Larceny of a Watch.

David Hartmeyer was tried and convicted of grand larceny, he having on the 21st of September stolen a gold watch worth \$50 from Patrick Curran. a resident of Westchester county. The proof of guilt was so convincing and clear that the Recorder sent the prisoner to the State Prison for aveyears.

TOMBS POLICE COURT. Cortes, the Spanish Forger, Again Arraigned.

The notorious confidence swindler, Emanue Cortes, alias Antonio Martinez, alias Rafael Y. Juan and a number of other aliases, was arraigned before Judge Hogan, at the Tombs Police Court, yes terday. Within a few years this man Cortes, who is a Spaniard by birth, and claims to be a sailor by profession, has disposed of at least one thousand drafts, orders and acceptances, varying in amount from fifteen dollars to fifteen hundred doland has victimized the community extent of at least forty thousand dol-So cleverly has he kept within the letter of the law that only in two cases out of 200 have the authorities cases out of 200 have the authorities been able to secure a conviction, and in one of these cases, which was also brought before Judge Hogan, he was discharged on a writ of habeas corpus by the Supreme Court. In fact, so confident has Cortes become that he actually laughs at each fresh complaint brought against him and enjoys it as a huge joke. His appearance yesterday was, as usual, gay, lively and quite rollick-some. He was dressed in a brown velvet coat and claret colored pants. He wore no collar, but his shirt front was immaculate and glittered with expensive jewelry. His dark eyes seemed to sparkle with infinite glee as he saw his victims and their corroborating witnesses come one after another to make their formal affidavit before His Honor Judge Hogan. Among the number were Herman Koehler, brewer in First avenue, between Twenty-ninth and Thirtieth streets, and William Steinway & Co., plano manufacturers, in Fourteenth street.

On the 10th of October Cortes went to Mr. Koehler

Steinway & Co., piano manufacturers, in Fourteenth street.
On the 10th of October Cortes went to Mr. Koehler and representing himself as a captain of a vessel lying at the foot of Wall street, he purchased forty-five barrels of ales, amounting to \$639, for which he tendered in payment a check drawn to the order of Rafael Y. Juan on Howes & Macy, bankers, 30 Wall street, for \$1,500, and signed Pollak & Co. This check purported to be certified by the paying teller of the Chemical National Bank and necepted by Howes & Macy. It was received by Mr. Koehler and his own check for \$570 given to Cortes for the balance. The whole thing was proved to be a complete forgery and fraud. On the 19th of this month Cortes visited Steinway & Sons' place and bought a piano for \$615, tendering in payment a check for \$830 and receiving a check to order for \$215 as balance. With this check he bought a ring at Timany & Co.'s, in Broadway, for \$80, and received the balance in cash. Judge Hogan held the prisoner for further examination, and it is expected a number of similar complaints will pour in to-day.

JEFFERSON MARKET POLICE COURT.

Before Justice Cox.

Joseph Ballard, who was beaten nearly to death n Casey's liquor store, corner of Houston and Greene streets, in August last, by James McDonald and Daniel Lacey, and who since that time has and made complaint against his assailants. McDon ald and Lacey, who were released on \$2,000 bail, as soon as it was ascertained that Ballard's injuries were not fatal, it it said, have disappeared.

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BURGLARY.

David Martin was arraigned for feloniously entering a grocery store on Ninth avenue, where he was discovered by an officer passing at five o'clock in the morning. He was held to answer.

HOW TO KEEP A BOARDING HOUSE.

Marcel Lafer, employed as cook at Delmonico's, corner of Fourteenth street and Flith avenue, was brought up charged with stealing a fowl and other eatables from that institution. It was stated that he kept a boarding house in another part of the city, the table of which he was in the habit of supplying by peculations from his employer. He was committed.

YORKVILLE POLICE COURT. Andy Ryan's Adventures in Search of His Daughter.

The business at this Court was light and unin portant yesterday; but an incident occurred which enlivened the proceedings of the morning session very considerably. After all the calendar had been called there was one prisoner still left in the box; but, strange to say, no one could tell how he had got there. The curiosity of the audience and of the Court was excited. In obedience to an order from the Court the prisoner was brought forth and

the Court was excited. In obedience to an order from the Court the prisoner was brought forth and he was asked his name. He said it was "Andy Ryan, and plase Your Honor."

"And Andy," said the Court, "will you tell us how you came to be in the box and whether you are a prisoner or not?"

"Faith, then, Your Honor, that's easy enough; but what bothers meself is why I was put in here at all" (looking around at the box with a shiver).

The poor fellow was territhly frightened when he first appeared, but he soon got calm enough to speak intelligibly on being encouraged by the magistrate, Justice Coulter, who saw before him a second edition of the blundering Irishmen, "Mickey Free" and "Handy Andy," and was bound to make the most of him.

It appeared from Andy's story of his adventure that he lives in East Twentieth street. Yesterday morning he went to No. 152 East Sixtleth street, to see his daughter, aged thirteen, who lives out. She refused to see him and he went to the Nineteenth precinct station house to see Captain Gunner about her. He was advised there to go to the Court, and he did so, accompanying an efficer who was leaving with some prisoners. On arriving at the Court he waiked up the back stairs after the officer and his prisoners, and on reaching the court room was caught by a policeman "by the nape of the neck and stuck into the box" with the others.

A hearty laugh greeted Andy's ears on miniming his tale of "two hours in a prison box."

He was of course discharged, and an officer sent round te where the daughter was to bring her to

II. Green vs. George Davis.—Order A Court; test so frightened was poor Andy after his adventure that he desappeared as soon as he was let go, and could not be found when wanting.

BROOKLYN COURTS.

COURT OF OYER AND TERMINER.

Judge Gilbert and Associate Justices on the Bench.
The case of Taomas Pitspatrick, who was indicted on the charge of having beaten and kicked his wife to death at 286 Van Brunt street in June last, was called for trial yesterday morning. George Catlin, the counsel for the defence, was absent in coase-quence of illness in his family, but General Tracy appeared and asked that the case might be post-

poned.

Judge Gilbert sald that the trial should take place
this week, and not/fled counsel to be in readiness
on Friday, to which day the case was adjourace,
Pitzpatrick, who had been out on ball, was surrendered by his bondsman and committed to jail. SUPREME COURT-CIRCUIT.

Suit Against Marshal Harlow. Before Judge Gilbert.

Nicholas Doll has sued United States Marshal Harlow for \$3,000, the value of a coal yard, fixtures, &c., at Lorimer street and Montrose avenue. The property was seized as that of George Merkle, a bankrupt, but Doll claims that it belonged to him. Harlow, on the other hand, justed that Merkle owned the property. Case on.

CITY COUNT-GENERAL TERM, Decisions.

By Judges Thompson and Neilson.
P. Shuy vs. Conrad Geler.—Order appealed from affirmed, with costs.
Sarah Woods vs. Peter B. Ross.—Order appealed from affirmed, with costs.
H. B. Schenck vs. James Androws.—Judgment affirmed, with costs.

THE BIENVILLE INVESTIGATION.

Testimony of Three More Officers of the The Investigation Closed.

The investigation of the loss by fire of the Pacific mail steamship Bienville was resumed yesterday morning at ten o'clock before Inspectors Beete

JOHN GOFF, THIRD OFFICER

of the Ocean Queen, was the first witness examined. Witness testified that after the fire had made headway to some extent in the steam Bienville he was sent by the captain with the first mate to distribute eleven passengers from the sixth boat among the passengers of the other boats; three were put in the first boat, which was in charge of Mr. Baffey; this boat was left all right; two or three were put in the next; the other boats shoved off, and were pulled after until a sig

shoved off, and were pulled after until a signal for return was given by the captain; all kept out of reach thenceforth; no objection was made by either the passengers or officers during the distribution; the fire, witness thought, originated over the boiler deck; he had no reason for thinking it originated in the forward hold. Witness went into long details, all of which were similar to the testimonies of Captain Manry and Mr. Haigear, who were examined on Tuesday.

Arthur Howland was THE NEXT WITNESS examined. He ieft the ship in the quartermaster's boat, the same which Mr. Baney had charge of; there were thirty-one persons in the boat; witness was in it when the first mate came up to put insome more; three were put in; no objections were made by the passengers; all got in the boat safely; the boat witness was in capsized in five or ten minutes afterwards; the boat capsized on account of the alarmed condition of the persons in it; the fire, he believed, originated through the ventilators on the boiler deck. The remainder of the statement of witness corroborated that of Captain Maury.

The storage steward's story.

ment of witness corroborated that of Captain Maury.

The third witness examined was Robert Becket (colored man), storage steward of the Bienville. He believed the fire to have originated in the hatch between decks; he left the ship on the fourth boat under the direction of the second engineer; there were eleven men, four women and six children—twenty-one persons in all—in the boat; there were a dozen loaves of bread in the boat and a small five gallon keg of water, together with two or three heads of cabbage; one lady had three or four apples; the boat was so crowded that no more persons could have been taken in with safety.

The remaining part of the testimony was merely a resume of what has already transpired. After its conclusion the investigation was pronounced closed, the inspectors considering the number of witnesses already examined sufficient.

THE HARLEM COURT HOUSE INVESTIGATION.

The Harlem Court House Investigating Committee met again yesterday afternoon and held another tedious session. Very few new facts were elicited, and the proceedings generally were Three witnesses were examined. The first, Charles Rogers, was examined in regard to the

deliveries of lumber, but his evidence did not hely

the case much. The second witness, J. Palmer

and had at the same time kept time also for the new house of Mr. Harry Genet. Some lumber de-livery receipts were shown him, but he stated posi-tively that everything he had signed for had been delivered at the Court House, and livery receipts were shown him, but he stated positively that everything he had signed for had been delivered at the Court House, and so far as his knowledge went nothing he had thus signed for had been taken away afterwards. Witness was then examined in regard to the pay roll, but no admission was got out of him that any of the men had been doing work on Mr. Genet's house while they were being paid out of the Court House appropriations. He said, however, that Mr. J. Wesley Palmer had never done anything on the Court House to his knowledge, though he might have done. Witness had bought hardware for the Court House, but he did not exactly remember whether all he had bought had been left at the Court House; he shought that one delivery had been made to Mr. Genet's house; Mr. Scallon had paid the men as work on Mr. Genet's house; for some time, and for a while Mr. Genet's men had been paid at the Court House; none of those men were on the pay rolls of the Court House, but he could not remember their names. Inquiries were also made of the witness as to the deliveries of sand, cement, &c., but the replies were mostly to the effect that he did not exactly remember. A great discussion occurred between the counsel about a memorandum which the counsel for the committee showed the witness, but did not wish to put in evidence. The memorandum was ultimately given up.

Mr. O'Rourke was the third witness. He said he

up.

Mr. O'Rourke was the third witness. He said he was foreman for Mr. Scallon during 1870 and 1871; he was not at the same time foreman for Mr. Genet's house; none of the men on the pay rolls of the Court House worked for Mr. Genet, except now and then three or four men that he did not want.

The committee adjourned until Friday, at two clock.

THE BATTLE ROW TRACEDY

The Murder of Officer Donahue and the Escape of Flint. Sergeant Rogers and several officers belonging

to the Central squad were up before the Police Commissioners yesterday to explain how it was that James Flint, one of the most important wit-nesses in the case of the murder of Officer Donahue, got away. Several officers were examined, hue, got away. Several officers were examined, but their evidence did not throw any light upon the manner in which Flint made his escape. It could not be ascertained at what corner Flint turned off and left the officers to pursue their way to the jail. He was seen to leave the Court House in charge of the officers, and when they reached the jail they found he had parted company with them.

As the sergeant did not accompany them he was not held responsible. Officers Powers, Ennis and Elias were, however, held to account, and the Commissioners have their case under consideration.

EXTENDING THE TRACK.

Commission of Inquiry as to the Amount Due the City by the Second Avenue Railroad Company for the Use of Astor Place and Worth Street.

Yesterday forenoon Messrs. William R. Martin, J. N. Tappan and R. M. Stevens, the Commissioners appointed to determine the value to the Second Avenue Railroad Company of the extension of its tracks through Eighty-sixth street, Astor place and tracks through Eighty-sixth street, Astor place and Worth street, reassembled at \$2 Nassau street. Judge slosson represented the company and Mr. Richard O'Gorman the city. It was the intention of the Commissioners to hear further testimony, but, consequence of the absence of several witnesses, none was adduced. An informal discussion was begun and lasted about a hour, and then the session adjourned until Monday next.

SERIOUS ACCIDENT.

At hair-past four yesterday afternoon the scaf-miding on the new building in course of erection at the corner of Twenty-third street and Third avenne gave way and precipitated five men into the excavation below. Assistance was rendered the unfortunate men as soon as possible, and when they were taken out it was discovered that Charles Roth, Patrick Pudler and Michael Muller were dangerously hurt. The other two escaped with slight injuries. The wounded man were convared to Bellevie Hospital.